

**GOVERNMENT OF THE DISTRICT OF COLUMBIA
EXECUTIVE OFFICE OF THE MAYOR
MAYOR'S OFFICE OF LEGAL COUNSEL
Freedom of Information Act Appeal: 2016-04**

October 16, 2015

VIA E-MAIL

Mr. Ryan Greenlaw

RE: FOIA Request 2016-04

Dear Mr. Greenlaw:

This letter responds to the above-captioned administrative appeal that you submitted to the Mayor under the District of Columbia Freedom of Information Act ("DC FOIA"). In your appeal, you assert that the Metropolitan Police Department ("MPD") failed to respond to your request for certain reports and forms created on July 30, 2015, in the First Police District.

It is our understanding that you initially submitted a request to MPD regarding an incident on July 30, 2015, which MPD denied. Subsequently, you refined your request and resubmitted it on August 18, 2015; however, MPD inadvertently regarded it as duplicative of your first request and did not respond to you. On September 10, 2015, you contacted MPD to inquire as to the status of your refined request, whereupon MPD realized that the request had erroneously been filed as a duplicate of your first request. At that point, MPD informed you that your refined request would be processed. To date, you have not received a response, despite MPD's obligation under D.C. Official Code § 2-532(c) to answer your request within 15 business days.¹

Pursuant to D.C. Official Code § 2-532(e), MPD's failure to timely respond to your request can be construed as a denial, and you have accordingly exercised your right to administratively appeal said denial. MPD has been aware of your request since at least September 10, 2015, when it realized that the request was erroneously regarded as a duplicate. MPD advised this Office that your request was delayed after September 10, 2015, due to administrative error.² Although this Office acknowledges your right to file an administrative appeal because your request has been constructively denied, MPD has informed us that your request is in fact currently being processed.

Based on the foregoing, we direct the MPD to provide a response to your August 18, 2015, request within 5 business days from the date of this decision. We dismiss your appeal because it is not ripe for a substantive analysis of MPD's determination; however, you may assert any challenge, by separate appeal, to the response MPD provides you within 5 business days.

¹ An agency may also request an extension of an additional 10 business days to respond under D.C. Official Code § 2-532(d), but MPD does not appear to have made such a request here; rather, MPD reassigned your request to several different individuals and kept re-starting the 15-day response period.

² A copy of MPD's response is attached.

If you are dissatisfied with this decision, you may commence a civil action against the District of Columbia government in the Superior Court of the District of Columbia in accordance with the DC FOIA.

Sincerely,

/s Melissa C. Tucker

Melissa C. Tucker
Associate Director
Mayor's Office of Legal Counsel

cc: Ronald B. Harris, Deputy General Counsel, MPD (via email)